

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

THIRTY-SEVENTH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 14, 2012

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Benjamin Ovard, Page.

### Approval of Journal

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-sixth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

### Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR  
Boise

February 13, 2012

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 357](#) and [H 363](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C.L. "Butch" Otter  
Governor

February 13, 2012

Mr. Speaker:

I transmit herewith enrolled [S 1237](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1237](#) and, when so signed, ordered it returned to the Senate.

February 13, 2012

Mr. Speaker:

I transmit herewith [SCR 114](#) and [SCR 115](#) which have passed the Senate.

NOVAK, Secretary

[SCR 114](#) and [SCR 115](#) were filed for first reading.

February 13, 2012

Mr. Speaker:

I transmit herewith [S 1265](#) and [S 1266](#) which have passed the Senate.

NOVAK, Secretary

[S 1265](#) and [S 1266](#) were filed for first reading.

February 13, 2012

Mr. Speaker:

I return herewith [H 384](#) which has passed the Senate.

NOVAK, Secretary

[H 384](#) was referred to the Judiciary, Rules, and Administration Committee for enrolling.

### Report of Standing Committees

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 10](#), [H 527](#), [H 528](#), [H 529](#), [H 530](#), [H 531](#), and [H 532](#).

WILLS, Chairman

[HJM 10](#), [H 529](#), and [H 530](#) were referred to the Health and Welfare Committee.

[H 527](#) was referred to the Environment, Energy, and Technology Committee.

[H 528](#), [H 531](#), and [H 532](#) were referred to the Judiciary, Rules, and Administration Committee.

February 14, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 364](#) and [H 365](#) to the Governor at 1:25 p.m., as of this date, February 13, 2012.

WILLS, Chairman

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 32](#) and recommend that it do pass.

RAYBOULD, Chairman

[HCR 32](#) was filed for second reading.

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 488](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 488](#) was placed on General Orders for consideration.

February 13, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [H 448](#), [H 497](#), [S 1232](#), [S 1233](#), and [S 1253](#) and recommend that they do pass.

WILLS, Chairman

[H 448](#), [H 497](#), [S 1232](#), [S 1233](#), and [S 1253](#) were filed for second reading.

Mr. Wills asked unanimous consent that [S 1233](#) be returned to the Judiciary, Rules, and Administration Committee. There being no objection, it was so ordered.

There being no objection, the House advanced to the Seventh Order of Business.

### **Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 35 BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### **A CONCURRENT RESOLUTION**

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF ADMINISTRATION RELATING TO RULES GOVERNING GROUP INSURANCE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Administration relating to Rules Governing Group Insurance is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 38.03.01, Department of Administration, Rules Governing Group Insurance, Section 040, Subsection 02.a, only, adopted as a pending rule under Docket Number 38-0301-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

[HCR 35](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[SCR 114](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[SCR 115](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 533 BY EDUCATION COMMITTEE AN ACT**

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A PETITION SUBMITTED TO THE BOARD OF TRUSTEES, TO

REVISE PROVISIONS RELATING TO PETITIONS RECEIVED BY AN AUTHORIZED CHARTERING ENTITY, TO REVISE PROVISIONS RELATING TO A PUBLIC HEARING, TO REVISE CERTAIN TIMING PROVISIONS, TO PROVIDE FOR AN AGREEMENT, TO PROVIDE FOR A PRIMARY ATTENDANCE AREA, TO REVISE PROVISIONS RELATING TO ADMISSION PROCEDURES, TO REVISE PROVISIONS RELATING TO TRANSPORTATION SERVICES, TO ESTABLISH PROVISIONS RELATING TO A CHARTER FOR A PUBLIC VIRTUAL SCHOOL, TO ELIMINATE LANGUAGE RELATING TO A PUBLIC CHARTER SCHOOL WORKSHOP AND TO ELIMINATE LANGUAGE RELATING TO A CHARTER FOR A PUBLIC VIRTUAL CHARTER SCHOOL; AMENDING SECTION 33-5205A, IDAHO CODE, TO REVISE TERMINOLOGY RELATING TO THE TRANSFER OF A CHARTER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5206, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ATTENDANCE AREA, TO ESTABLISH PROVISIONS RELATING TO REVISION OF A CHARTER AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REVIEW OF A CHARTER PETITION; AMENDING SECTION 33-5208, IDAHO CODE, TO ELIMINATE OBSOLETE LANGUAGE AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 33-5209, IDAHO CODE, TO ELIMINATE LANGUAGE RELATING TO THE REVISION OF A CHARTER; AMENDING SECTION 33-5210, IDAHO CODE, TO PROVIDE THAT CERTAIN PUBLIC CHARTER SCHOOLS ARE SUBJECT TO RULES; AMENDING SECTION 33-5211, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ASSISTANCE PROVIDED BY THE STATE DEPARTMENT OF EDUCATION; AMENDING SECTION 33-5213, IDAHO CODE, TO REVISE PROVISIONS RELATING TO TERMS OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1619, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 33-5202A, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

#### **HOUSE BILL NO. 534 BY EDUCATION COMMITTEE AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-1004I, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LEADERSHIP AWARDS; AND PROVIDING A CONTINGENT SUNSET DATE.

#### **HOUSE BILL NO. 535 BY STATE AFFAIRS COMMITTEE AN ACT**

RELATING TO THE IDAHO STATE HISTORICAL SOCIETY; AMENDING SECTION 67-4126, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS AND DUTIES OF THE BOARD; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4129C, IDAHO CODE, TO ESTABLISH THE RECORDS MANAGEMENT SERVICES FUND; AMENDING CHAPTER 41, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4131, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO RECORDS MANAGEMENT SERVICES AND RULES, GUIDELINES AND PROCEDURES; REPEALING SECTION

67-5751, IDAHO CODE, RELATING TO RECORDS MANAGEMENT; REPEALING SECTION 67-5751A, IDAHO CODE, RELATING TO HISTORICAL RECORDS; REPEALING SECTION 67-5752, IDAHO CODE, RELATING TO A RECORDS MANAGEMENT MANUAL; AND REPEALING SECTION 67-5753, IDAHO CODE, RELATING TO MICROFILMING SERVICES.

**HOUSE BILL NO. 536**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO PARI-MUTUEL BETTING; AMENDING SECTION 54-2512, IDAHO CODE, TO REVISE PENALTIES FOR CERTAIN ACTS, TO PROVIDE REQUIREMENTS TO RECEIVE AN ADVANCE DEPOSIT WAGERING LICENSE, TO PROVIDE REQUIREMENTS OF LICENSEES REGARDING INTERSTATE SIMULCAST SIGNALS, TO PROVIDE AUTHORITY TO THE COMMISSION TO SUSPEND OR REVOKE LICENSES FOR CERTAIN CONDUCT AND TO ALLOW FOR CIVIL PENALTIES.

**HOUSE BILL NO. 537**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-403B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE GOLD STAR SPECIALTY LICENSE PLATE PROGRAM AND TO ESTABLISH PROVISIONS RELATING TO A GOLD STAR - PURPLE HEART MEDAL SPECIALTY LICENSE PLATE.

**HOUSE BILL NO. 538**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO LEGAL NOTICES IN NEWSPAPERS; AMENDING SECTION 60-106, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE AMOUNT OF TIME OF CONTINUOUS AND UNINTERRUPTED PUBLISHING REQUIRED FOR A WEEKLY NEWSPAPER THAT PUBLISHES LEGAL NOTICES.

**HOUSE BILL NO. 539**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO THE IDAHO VIDEO SERVICE ACT; AMENDING TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 50, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR FRANCHISING AUTHORITY, TO PROVIDE FOR MODIFICATIONS OF EXISTING FRANCHISE AGREEMENTS, TO PROVIDE FOR A HOLDER OF CERTIFICATE, TO PROVIDE FOR AMENDMENT OF THE CERTIFICATE OF FRANCHISE AUTHORITY, TO PROVIDE FOR PROVISION OF ACCESS TO VIDEO SERVICE WITHIN A CERTAIN PERIOD, TO PROVIDE FOR SUSPENSION OF AUTHORITY FOR NONCOMPLIANCE WITH CERTAIN REQUIREMENTS, TO PROVIDE FOR FEES, TO PROVIDE FOR THE USE OF PUBLIC RIGHTS-OF-WAY, TO PROVIDE FOR A VIDEO SERVICE PROVIDER FEE, TO PROHIBIT DISCRIMINATION AMONG POTENTIAL RESIDENTIAL SUBSCRIBERS AND TO PROVIDE FOR VIOLATIONS, TO PROVIDE FOR CUSTOMER SERVICE STANDARDS, TO PROVIDE FOR DESIGNATION AND USE OF CHANNEL CAPACITY FOR PUBLIC, EDUCATIONAL OR GOVERNMENTAL USE AND TO PROVIDE FOR

APPLICABILITY OF OTHER LAW; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 540**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING CHAPTER 12, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1234, IDAHO CODE, TO PROVIDE FOR THE ONLINE INSURANCE VERIFICATION SYSTEM, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE, TO REQUIRE THAT PEACE OFFICERS ACCESS CERTAIN INFORMATION FROM SUCH SYSTEM AND TO GRANT THE IDAHO TRANSPORTATION DEPARTMENT RULEMAKING AUTHORITY; AMENDING SECTION 9-340C, IDAHO CODE, TO EXEMPT CERTAIN INFORMATION FROM DISCLOSURE; AND PROVIDING AN EFFECTIVE DATE.

**HOUSE BILL NO. 541**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO HEALTH CARE ORGANIZATIONS; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1392g, IDAHO CODE, TO PROHIBIT ECONOMIC CREDENTIALING OF MEDICAL STAFF MEMBERSHIP IN HEALTH CARE ORGANIZATIONS.

**HOUSE BILL NO. 542**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
AN ACT

RELATING TO TAKING OF WILDLIFE; AMENDING SECTION 36-1101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PROHIBITION ON HUNTING FROM A MOTORIZED VEHICLE, TO ESTABLISH PROVISIONS RELATING TO RESTRICTIONS ON RULEMAKING AND POLICY RELATING TO MOTORIZED VEHICLE USE ON TRAILS OR ROADS ON CERTAIN LANDS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 36-1401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

**HOUSE BILL NO. 543**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CHILDREN WITH FIREARMS FOR HUNTING.

**HOUSE BILL NO. 544**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
AN ACT

RELATING TO WOLVES; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-409B, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE DEPOSIT OF CERTAIN PROCEEDS, TO PROVIDE FOR THE WOLF DEPREDATION ACCOUNT, TO PROVIDE FOR THE TRANSFER OF PROCEEDS BY THE DEPARTMENT OF FISH AND GAME, TO PROVIDE THAT MONEYS ARE SUBJECT TO APPROPRIATION, TO PROVIDE FOR THE RETURN OF INTEREST EARNED TO THE ACCOUNT, TO PROVIDE FOR THE DIVISION AND USE OF MONEYS

AND TO PROVIDE FOR THE ADMINISTRATION OF DEPREDATION PAYMENTS TO LIVESTOCK PRODUCERS BY THE GOVERNOR'S OFFICE OF SPECIES CONSERVATION; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 545**  
**BY RESOURCES AND CONSERVATION COMMITTEE**  
AN ACT

RELATING TO WOLVES; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE GRAY WOLF TAG FEES; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 546**  
**BY COMMERCE AND HUMAN RESOURCES COMMITTEE**  
AN ACT

RELATING TO THE GLOBAL ENTREPRENEURIAL MISSION GRANT FUND; AMENDING SECTION 67-4725, IDAHO CODE, TO CREATE THE GLOBAL ENTREPRENEURIAL MISSION GRANT FUND, TO PROVIDE MONEYS FOR THE FUND AND TO PROVIDE FOR A TRANSFER OF MONEYS FROM THE FUND; AMENDING SECTION 67-4726, IDAHO CODE, TO CREATE THE IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL AND TO PROVIDE MEMBERSHIP OF THE COUNCIL; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4729, IDAHO CODE, TO PROVIDE FOR DEPARTMENT OF COMMERCE AND IDAHO GLOBAL ENTREPRENEURIAL MISSION COUNCIL RULES AND RESPONSIBILITIES; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4730, IDAHO CODE, TO PROVIDE THE IDAHO GLOBAL ENTREPRENEURIAL MISSION RESEARCH; AND AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4731, IDAHO CODE, TO PROVIDE FOR COMMERCIALIZATION REVENUE DISTRIBUTION.

[H 533](#), [H 534](#), [H 535](#), [H 536](#), [H 537](#), [H 538](#), [H 539](#), [H 540](#), [H 541](#), [H 542](#), [H 543](#), [H 544](#), [H 545](#), and [H 546](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1265](#) and [S 1266](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[HCR 33](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[H 526](#), by Resources and Conservation Committee, was read the second time by title and filed for third reading.

[H 450](#), by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

Mr. Moyle asked unanimous consent that [H 372](#) retain its place on the Third Reading Calendar for one legislative day. There being no objection, it was so ordered.

**[S 1219](#) - JUVENILE CORRECTIONS ACT**

[S 1219](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall [S 1219](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Moyle, Nielsen. Total – 3.

Total – 70.

Whereupon the Speaker declared that [S 1219](#) passed the House. Title was approved and the bill ordered returned to the Senate.

**[S 1222](#) - JUDGES**

[S 1222](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [S 1222](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [S 1222](#) passed the House. Title was approved and the bill ordered returned to the Senate.

**[H 473](#) - MOTOR VEHICLE DRIVER'S LICENSES - IDENTIFICATION CARDS**

[H 473](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

The question being, "Shall [H 473](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Killen, Nielsen. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 473](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 389](#) - WEIGHTS AND MEASURES

[H 389](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Trail to open debate.

The question being, "Shall [H 389](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Sims. Total – 1.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 389](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 387](#), as amended, - HOMEOWNER'S EXEMPTION

[H 387](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall [H 387](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Patrick, Pence, Perry,

Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Nielsen, Palmer. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 387](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 368](#), as amended, - MILITARY DIVISION

[H 368](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 368](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 368](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

### [H 388](#), as amended, - EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES

[H 388](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. King to open debate.

The question being, "Shall [H 388](#), as amended, pass?"

Roll call resulted as follows:

AYES – Bateman, Bell, Bilbao, Block, Bolz, Buckner-Webb, Burgoyne, Chew, Cronin, Ellsworth, Eskridge, Guthrie, Higgins, Jaquet, Killen, King, Lacey, Lake, Nessel, Pence, Perry, Raybould, Ringo, Rusche, Shirley, Smith(30), Smith(24), Stevenson, Trail, Wills, Wood(27). Total – 31.

NAYS – Anderson, Andrus, Barbieri, Barrett, Batt, Bayer, Bedke, Boyle, Chadderdon(Malek), Collins, Crane, DeMordaunt, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nonini, Palmer, Patrick, Roberts, Schaefer, Shepherd, Simpson, Sims, Thayne, Thompson, Vander Woude, Wood(35), Mr. Speaker. Total – 37.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.



Whereupon the Speaker declared that [H 388](#), as amended, failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

#### **[H 393](#), as amended, - RURAL HEALTH CARE ACCESS AND PHYSICIAN INCENTIVE**

[H 393](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block to open debate.

The question being, "Shall [H 393](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – Harwood, Schaefer. Total – 2.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 393](#), as amended, passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 516](#) - LIQUOR DIVISION**

[H 516](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Batt to open debate.

The question being, "Shall [H 516](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Nielsen, Simpson, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 516](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 407](#) - BUILDING SAFETY**

[H 407](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 407](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Nielsen, Simpson, Smith(24). Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 407](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 408](#) - ELECTRICAL BOARD**

[H 408](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Malek to open debate.

The question being, "Shall [H 408](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – None.

Absent and excused – Black, Nielsen, Simpson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 408](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### **[H 409](#) - BUILDING SAFETY DIVISION**

[H 409](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Smith(30) to open debate.

The question being, "Shall [H 409](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – McMillan. Total – 1.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 409](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 469](#) - CONVEYANCES IN BUILDINGS

[H 469](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Guthrie to open debate.

Pursuant to Rule 38(3), Mr. Crane disclosed a conflict of interest regarding [H 469](#).

The question being, "Shall [H 469](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon(Malek), Collins, Crane, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Jaquet, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Roberts, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 59.

NAYS – Buckner-Webb, Burgoyne, Chew, Cronin, Higgins, Killen, King, Ringo, Rusche. Total – 9.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 469](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 455](#) - DIVORCE ACTIONS

[H 455](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall [H 455](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin,

DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker.

Total – 67.

NAYS – None.

Absent and excused – Black, Nielsen, Stevenson. Total – 3.

Total – 70.

Whereupon the Speaker declared that [H 455](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 475](#) - PROBATION

[H 475](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Shirley to open debate.

The question being, "Shall [H 475](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Buckner-Webb, Burgoyne, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Black, Nielsen. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 475](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 379](#) - OIL AND GAS

[H 379](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Boyle to open debate.

The question being, "Shall [H 379](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barbieri, Barrett, Bateman, Batt, Bayer, Bedke, Bell, Bilbao, Block, Bolz, Boyle, Chadderdon(Malek), Chew, Collins, Crane, Cronin, DeMordaunt, Ellsworth, Eskridge, Gibbs, Guthrie, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, King, Lacey, Lake, Loertscher, Luker, Marriott, McGeachin, McMillan, Moyle, Nessel, Nonini, Palmer, Patrick, Pence, Perry, Raybould, Ringo, Roberts, Rusche, Schaefer, Shepherd, Shirley, Simpson, Sims, Smith(30), Smith(24), Stevenson, Thayne, Thompson, Trail, Vander Woude, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 65.

NAYS – Burgoyne, Killen. Total – 2.

Absent and excused – Black, Buckner-Webb, Nielsen.  
Total – 3.  
Total – 70.

Whereupon the Speaker declared that [H 379](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 10:30 a.m., Wednesday, February 15, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:01 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk